

The intended claim 8 has been added herein as claim 21. If the Examiner would prefer to add the intended claim 8 as claim 8 rather than claim 21, the Examiner may do so.

II. 35 U.S.C. 112 Rejection Of Claims 6 and 7

At page 2 of the Office Action, claims 6 and 7 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claim 6 depends from claim 5 and recites a sheet having the adhesive thereon. Claim 7 depends from claim 1 and recites a sheet between the base and the battery. It is respectfully submitted claims 6 and 7 are not indefinite under 35 U.S.C. 112, second paragraph.

In the Office Action, the question, "Is there more than one sheet contained in a protection device?" is posed. Applicant *believes* this question indicates confusion arising from an assumption that claim 7 depends from a claim that recites a "sheet." As such, applicant respectfully notes that claim 7 depends from claim 1, and claim 1 does not recite a "sheet." Further, claim 6 depends from claims 5 and 1, and claims 5 and 1 do not recite a "sheet."

It is hoped this explanation alleviates the need for rejecting claims 6 and 7 under 35 U.S.C. 112, second paragraph. If this explanation does not alleviate the need for the 35 U.S.C. 112 rejection, the Examiner is encouraged to call the undersigned.

III. 35 U.S.C. 103(a) Rejection Of Claims 1-7 and 9-206

At page 2 of the Office Action, claims 1-4, 7, 9-14, 16-17 and 20 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,521,021 (Alexandres et al.) in view of U.S. Pat. No. 4,004,199 (Pearce et al.). However, at page 4 of the Office Action, claims 5, 6 and 15 were rejected under 35 U.S.C. 103(a) as being unpatentable over Alexandres et al. in view of Pearce et al. and further in view of U.S. Pat. No. 5,977,746 (Herhberger et al.). Also, claims 18 and 19 are discussed at page 4 of the Office Action, and although they are not expressly rejected,

they appear to be rejected under 35 U.S.C. 103(a) as being unpatentable over Alexandres et al. in view of Pearce et al. and Herhberger et al. Therefore, it is assumed claims 1-7 and 9-20 are rejected under 35 U.S.C. 103(a). If this assumption is not correct, the Examiner is encouraged to contact the undersigned by telephone.

At pages 2 and 3 of the Office Action, the independent claims 1, 9 and 17 were rejected under 35 U.S.C. 103(a) as being unpatentable over Alexandres et al. in view of Pearce et al. In the Office Action, it was argued Alexandres et al. shows a terminal cap (positive end plate 36) captured between the sleeve (upper closing ring 66) and a protective housing (gasket/seal ring 46). It is respectfully submitted the positive end plate 36 is not captured between the upper closing ring 66 and the gasket/seal ring 46. As shown in Alexandres et al.'s Figure 2, the positive end plate 36 is not captured between the upper closing ring 66 and the gasket/seal ring 46. Instead, the positive end plate 36 is positioned under the gasket/seal ring 46, and gasket/seal ring 46 is positioned under the upper closing ring 66. There is no component between the gasket/seal ring 46 and the upper closing ring 66 of Alexandres et al.

Pearce et al. is cited in the Office Action for the proposition that it discloses an electrical component. As such, Pearce et al. does not make up for the deficiencies of Alexandres et al. Consequently, Alexandres et al. in view of Pearce et al. does not disclose or suggest a terminal cap captured between a sleeve and a protective housing, and therefore, the 35 U.S.C. 103(a) rejection of claims 1, 9 and 17 is improper and should be withdrawn.

Claims 2-7, 10-16 and 18-20 depend from one of the independent claims 1, 9 or 17. Therefore, dependent claims 2-7, 10-16 and 18-20 have all the limitations of claims 1, 9 or 17, as the case may be. Consequently, the argument against Alexandres et al. with regard to claims 1, 9 and 17 (above) is equally applicable to the dependent claims 2-7, 10-16 and 18-20. As such, the 35 U.S.C. 103(a) rejection is improper as to all the claims in the patent application. It is respectfully requested the 35 U.S.C. 103(a) rejection of the claims be withdrawn.

At page 3 of the Office Action, the rejection of claims 2 and 10-11 was specifically discussed. In the Office Action, it was argued Alexandres et al. discloses a protective housing (gasket/seal ring 46), a base (beveled member 50) and an orifice (mandrel hole 24) for receiving a projection on a support surface which supports the base. Claims 2 and 10 require a base having an orifice therethrough for receiving a projection that is on a supporting surface. It is respectfully submitted the mandrel hole 24 of Alexandres et al. is not in the beveled member 50. Instead, the mandrel hole is in the electrode assembly 14. As such, the argument set forth in the Office Action does not correspond with the language of claims 2 or 10. Claim 11 depends from claim 10, and therefore has all the limitations of claim 10. Consequently, the rejection of claims 2, 10 and 11 is improper and should be withdrawn. It is respectfully requested the 35 U.S.C. 103(a) rejection of the claims 2, 10 and 11 be withdrawn.

At the end of page 3 of the Office Action, it was argued Alexandres et al. discloses a tinneman (sic) fastener (positive contact member 56) joined to the base and an electrical terminal pin (vent pellet 54). Please note, the phrase "tinnerman fastener" has been changed to read "panel nut" solely to address the possibility that "tinnerman fastener" is a trademark. It is respectfully submitted the positive contact member 56 in Alexandres et al. is not a panel nut, and Alexandres et al. does not suggest the use of a panel nut. As such, Alexandres et al. does not render claims 4 and 14 obvious pursuant to 35 U.S.C. 103(a).

Furthermore, it is respectfully submitted that the vent pellet 54 is not an electrical terminal pin. Alexandres et al. describes the purpose of the vent pellet 54 as being related to venting to atmosphere excess pressure in the battery 10. *See* col. 3, line 67 through col. 4, line 3. The vent pellet 54 is not an electrical terminal pin as recited in claim 3, and is not a terminal pin of a battery as recited in claim 13. Alexandres et al. does not even disclose or suggest the vent pellet 54 is electrically conductive. As such, Alexandres et al. does not disclose a means for fastening joined to the base and joined to an electrical terminal pin, as recited in claim 3. Further, Alexandres et al. does not disclose a means for fastening joining a base to a terminal pin


of a battery, as recited in claim 13. Claims 4 includes all the limitations of claim 3, and claim 14 includes all the limitations of claim 13. Therefore, the arguments applicable to claims 3 and 13 are equally applicable to claims 4 and 14. It is respectfully requested the 35 U.S.C. 103(a) rejection of claims 3, 4, 13 and 14 be withdrawn.

CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted a full and complete response to the Office Action has been made. The claims, as amended, are in condition for allowance. Allowance of the claims is respectfully requested. The Examiner is invited to call applicant's attorney if any questions remain following review of this response.

Date: February 4, 2002

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EXHIBIT A

Alternatively, a shrink-wrap may be applied around the battery 61 and the protective housing 13. Such a shrink-wrap is described in U.S. Patent Application 09/404,934, and the description of the shrink wrap therein is incorporated herein by reference. In addition, as shown in Figure 4, the means for fastening may be a [tinnerman type fastener] panel nut 82 which contacts the base 16, and attaches to a portion of the terminal pin 58 extending through the contact hole 64. The [tinnerman fastener] panel nut 82 may be made from a non-conductive material such as 6/6 nylon.

EXHIBIT B

4. (Amended) The protection device of claim 3, wherein the means for fastening is a [tinnerman fastener] panel nut.

7. (Amended) The protection device of claim 1, further comprising a sheet between the base and [the] a battery.

14. (Amended) The power providing unit of claim 13, wherein the means for fastening is a [tinnerman fastener] panel nut.

21. (Added) The protection device of claim 1, wherein the sleeve is held relative to the perimeter wall by an interference fit.